

## Cruz, Francisco

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**From:** Peter Morgan <peter.morgan@sierraclub.org>  
**Sent:** Tuesday, February 07, 2017 6:31 PM  
**To:** Cruz, Francisco; Harsh, Chad  
**Subject:** Significant concerns with draft NPDES permit for VA0081760  
**Attachments:** 043014 - PublishedDraft1006884.pdf; 021115 - DMME response to (b) (6)(b) (6).pdf

Francisco and Chad-

I'm writing to express significant concerns with the draft NPDES permit for Red River Coal's Backbone Ridge Surface Mine VA0081760.

<https://www.dmme.virginia.gov/dmrlrinquiry/frmDownloadPdf.aspx?Type=NPDES&Key=268>

From what I can tell, this draft permit contains no limits on selenium, despite such limits having been included in prior versions of the permit.

As I understand it, the following is an accurate timeline of the history of the permit, including the selenium limits.

In April 2014, DMME issued a draft NPDES permit that required selenium monitoring and treatment at outfalls 010 and 012 (see attached). I don't have a copy of the final permit as issued, but believe the as issued version was essentially the same as this draft.

In September 2014, Red River filed a NPDES permit application to remove outfalls 010 and 012 and move those to ponds 13 and 17.

(b) (6)(b) (6) submitted comments on the September NPDES application in October 2014.

In February 2015, DMME responded to (b) (6) and clarified that in the final permit revision, approved 02/04/15, outfalls 010 and 012 were not being deleted and that "the permit requirements and compliance schedule related to selenium . . . remain in place" (see attached).

Now, in January 2017, DMME has issued a draft NPDES permit that includes no limits or monitoring requirements for selenium (indeed, makes no reference to selenium whatsoever) in regards to outfalls 010 and 012 or otherwise. This appears to pose, at least, a significant anti-backsliding concern.

Please let me know if EPA has any information relevant to these issues, including if you have any edits or adjustments to the timeline listed above.

Thanks.

Peter



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